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January 8, 2008

By Facsimile – (212) 805-0424

Honorable Laura Taylor Swain
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 755
New York, NY 10007

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JAN 9 2008

Re: Fisher v. Building Services 32BJ Health Fund, 07 civ. 5699 (LTS)(KNF)

Dear Judge Taylor Swain:

We are defense counsel in the above-referenced case. Pursuant to Your Honor's Order dated December 18, 2007, the parties were granted until today, January 8, 2008, to finalize their settlement of this action.

The parties have not yet resolved this matter, and accordingly, we respectfully request that they be allowed until January 31, 2008 to do so. Also, because Magistrate Judge Fox was extremely helpful in facilitating an agreement in principal between the parties when they appeared before him, we respectfully request that the parties be directed to contact Magistrate Judge Fox's Chambers on or before January 22, 2008 to request a conference, if the settlement has not been finalized on or before January 17, 2008.

We appreciate Your Honor's attention to this matter.

Respectfully submitted,

Barry E. Warner

The foregoing requests are granted. The provisions of the October 22, 2007, order of Discontinuance are continued to the ~~Jan~~ January 31, 2008.

SO ORDERED

cc: Fred Fisher, D.D.S., *Pro Se* (by facsimile)

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